



Sentencing and Release Statutes

Joint Select Committee on Ex-Offender
Reintegration Into Society

March 18, 2010

NC Sentencing and Policy Advisory Commission

Fair Sentencing

- Applies to felony offenses committed on or after July 1, 1981 (but before October 1, 1994).
- Presumptive Sentencing
 - Class of offense
- Sentence Imposed
 - Single sentence
 - Good time
 - Gain time

Parole

- Discretionary release from confinement after serving a portion of the sentence.
- Supervision in the community subject to conditions for the balance of the sentence.
- Purpose is to facilitate the reentry of the prisoner into the community.
- Available for offenses committed prior to the effective date of structured sentencing (October 1, 1994) and for impaired driving offenses.

Structured Sentencing

- Applies to felony and misdemeanor offenses committed on or after October 1, 1994.
- Punishment Chart
 - Class of offense
 - Prior record of offender
- Sentence Imposed
 - Minimum sentence
 - Maximum sentence
 - Earned time
 - Post-release supervision revocation period

Structured Sentencing

- Example

- Offender convicted of armed robbery (Class D felony) with a Prior Record Level of V.
- Minimum sentence of 100 months.
- Maximum sentence of 129 months.
 - 20 months for possible earned time, and
 - 9 months for reimprisonment if PRS is revoked.

Post-Release Supervision

- Mandatory release from prison after serving the active portion of the sentence.
- A period of supervision in the community subject to conditions.
- Purposes include:
 - to monitor and control the prisoner in the community,
 - to assist the prisoner in reintegrating into society,
 - to collect restitution and other court indebtedness from the prisoner, and
 - to continue the prisoner's treatment or education.
- Available for offenses committed under structured sentencing (on or after October 1, 1994).

Post-Release Supervision

- Administration (*G.S. 15A-1368*)

- Post-Release Supervision and Parole Commission administers PRS.
 - Sets conditions.
 - Hears violations.
- Division of Community Corrections (DOC) monitors the offender and reports violations.

Post-Release Supervision

- Application (*G.S. 15A-1368.1*)

- Felons in Classes B1 through E sentenced to an active punishment under structured sentencing.
- Does not apply to:
 - Class A felons.
 - Class B1 felons who receive a sentence of life without parole.
 - Classes F through I felons.

Post-Release Supervision

- Procedure (*G.S. 15A-1368.2*)

- Released from prison for post-release supervision on the date equivalent to his maximum imposed prison term less nine months, less any earned time awarded.
- Mandatory, prisoner cannot refuse it.
- Supervised for nine months, five years for offenses requiring registration as a sex offender.

Post-Release Supervision

- Conditions (*G.S. 15A-1368.4*)

- Controlling conditions.
- Reintegrative conditions.
- Additional controlling conditions for sex offenders.

Post-Release Supervision

- Violations (*G.S. 15A-1368.3*)

- If the supervisee violates a condition of PRS, the Post-Release Supervision and Parole Commission may:
 - Continue supervision,
 - Modify conditions, or
 - Revoke PRS.
- The Commission may revoke PRS for any violation of a controlling condition, repeated violations of reintegrative conditions.

Post-Release Supervision

- Revocation (*G.S. 15A-1368.3*)

- Upon revocation, the supervisee returns to prison for the time remaining on the maximum sentence (9 months).
- No credit for days on PRS.
- Eligible for earned time while reimprisoned.

Post-Release Supervision

– Previous Recommendations

- Expand coverage to Class F felons.
- Increase the period of supervision (and the period of imprisonment upon revocation) to twelve months.